

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 05-00260 JMS
)	
Plaintiff,)	DECLARATION
)	
vs.)	
)	
JAMES T. LOW,)	
)	
)	
Defendant.)	
_____)	

DECLARATION

I, JAMES T. LOW, hereby declare as follows:


1. I am the defendant in this case and I am proceeding to trial as a pro se defendant;
2. I was arrested on or about June 8, 2005.
3. I was originally charged with a conspiracy and substantive drug count in the original and first superseding indictment.
4. On information and belief, when I was first arrested the government searched a locker in my name pursuant to a search and seized four firearms and over 700 rounds of ammunition although I was not charged with the firearms and ammunition.
5. After I elected to represent myself and to go to trial, I was then charged by the government by superseding indictment with the firearms and ammunition count in addition to the 2 drug counts in the prior indictment.

6. The inclusion of the possession of firearm and ammunition count, and the underlying allegation that I was a felon at the time of the alleged, have caused and will cause unfair prejudice to my substantial rights if the count is not severed for trial.

7. I therefore respectfully submit that good cause exists to grant this motion.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Dated: Honolulu, Hawaii, May 15, 2006.



JAMES T. LOW